

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-81061-CIV-CANNON/Reinhart

ARLENE MARIE JOHNSON,

Plaintiff,

v.

KILOLO KIJAKAZI,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION [ECF No. 31]**

THIS CAUSE comes before the Court upon the Magistrate Judge’s Report and Recommendation on Plaintiff’s Unopposed Motions for Attorney Fees (the “Report”) [ECF No. 31], issued on September 27, 2023. Plaintiff’s initial motion for attorneys’ fees was filed on August 15, 2023 (“Initial Motion”) [ECF No. 27]. Plaintiff later filed an amended motion for attorneys’ fees on September 25, 2023 (“Amended Motion”) [ECF No. 30]. On September 27, 2023, following referral, Judge Bruce E. Reinhart issued a Report recommending that Plaintiff’s Initial Motion [ECF No. 27] be denied as moot, and that Plaintiff’s Amended Motion [ECF No. 30] be granted. Objections to the Report were due on October 11, 2023 [ECF No. 31 p. 8]. No party filed objections, and the time to do so has expired.

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject,

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or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review, the Court finds the Report to be well reasoned and correct. For the reasons set forth in the Report [ECF No. 31 pp. 2–7], it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 31] is **ACCEPTED**.
2. Plaintiff's Amended Motion [ECF No. 30] is **GRANTED**. Plaintiff is awarded a total of \$7,676.95 in attorneys' fees and \$402.00 in costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
3. Plaintiff's Initial Motion [ECF No. 27] is **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 16th day of October 2023.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record